REMARKS

Reconsideration of this application is respectfully requested.

Claims 1, 6, 16, 20 and 25-33 are pending. Claims 1, 6, 16, 20 and 25-33 were rejected. The independent claims have been amended. Reconsideration and allowance of the claims is respectfully requested in view of the following remarks.

Claims 1, 6-16, 20, 25, and 26-33 were rejected under 35 U.S.C. § 103 as being unpatentable over Hu (U.S. Patent No. 6,173,322) in view of Graber (U.S. Patent No. 5,717,860). Independent claim 1 has been amended to require, "automatically restarting that web server upon detection of the predetermined condition in order to clear the predetermined condition, the restarting initiated by an agent in the host computer." The other independent claims have also been amended to include similar language.

Support for this amendment is provided at page 27, lines 14-21. Further, Applicants submit that these amendments are directed to subject matter that was covered by the Rule 131 Declaration filed on July 2, 2001. For example, Applicant indicated that the embodiment described at page 3 in Exhibit B of the Declaration was developed by or on behalf of the inventors before October 6, 1997. Therefore, Applicants submit that the amended claims are still entitled to the same date of invention as the claims that were previously presented.

The combination of Hu and Graber et al. fail to disclose or suggest an agent in the host computer automatically restarting that web server upon detection of the predetermined condition in order to clear the predetermined condition. Hu fails to disclose or suggest an automatic restart to clear the problem. Hu only discusses redirecting requests away from the server having the problem, but Hu does not provide an active solution for clearing the problem.

Graber fails to cure the deficiency of Hu. Graber merely talks about redirecting to preserve path information when relative URL addressing is used. Graber was cited for teaching certain predetermined conditions under which redirection occurs. Graber does not deal with redirecting for the purpose of avoiding or clearing problem web servers. Graber does not suggest any step or means for clearing problem web servers generally, or specifically for restarting the host on which the web server is located.
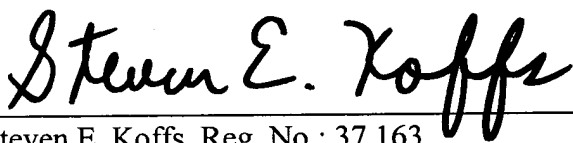
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Therefore the combined teachings of Hu and Graber fail to disclose or suggest "automatically restarting that web server upon detection of the predetermined condition in order to clear the predetermined condition, the restarting initiated by an agent in the host computer."

In view of the foregoing remarks, Applicant submits that this application is in condition for allowance. Early notification to that effect is respectfully requested.

The Assistant Commissioner for Patents is hereby authorized to charge any additional fees or credit any excess payment that may be associated with this communication to deposit account **04-1679**.

Respectfully submitted,

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